

Minutes
Work Session
Aberdeen Board of Commissioners

October 1, 2009
Thursday, 5:30 p.m.

Aberdeen Town Hall
Aberdeen, North Carolina

The Aberdeen Town Board met on Thursday, October 1, 2009 at 5:30 p.m. for their regular Work Session. Members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robbie Farrell and Commissioners Jim Thomas, Donna Shannon and Walter Wright. Commissioner Pat Ann McMurray was not in attendance for the Work Session. Other staff members in attendance were Planning Director Kathy Liles, Parks & Recreation Director Leigh Baggs, and Town Clerk Regina Rosy. Others in attendance were Carol Wright, Elizabeth Cox, Maurice Holland, Alan Parker, and Reporter for the Pilot Hannah Sharpe.

Mayor Pro-tem Farrell called the Work Session to order.

1. Release Closed Session Minutes from September 3, 2009.

Town Clerk Regina Rosy stated Attorney T.C. Morphis requested the Closed Session Minutes from September 3, 2009 be released in order to support his court case with Richard Caton. Planning Director Kathy Liles explained Attorney Morphis wanted to have the Closed Session Minutes for the court case in order to prove the Board's position on settlement. Commissioner Shannon felt uncomfortable with releasing minutes from a Closed Session when the litigation was still ongoing. Mayor Pro-tem Farrell agreed with Commissioner Shannon. Commissioner Wright questioned if the Closed Session Minutes could be released to only Attorney Morphis. Town Clerk Regina Rosy stated either the minutes were sealed or unsealed. Town Clerk Regina Rosy stated the minutes could not be unsealed to just one person from her understanding. The Board unanimously felt uncomfortable with releasing the minutes. Town Clerk Regina Rosy stated perhaps Attorney Morphis could be reached on the telephone to offer more information on this item. Planning Director Liles left the room to contact Attorney Morphis and returned several minutes later. Planning Director Liles stated Attorney Morphis stated if the Board was uncomfortable with this item, then he was fine with the Board not releasing these minutes. Attorney Morphis felt he had enough information to support his position without the Closed Session Minutes. A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to not release the Closed Session Minutes from September 3, 2009. Motion unanimously carried.

2. Petition for the Aberdeen Town Board to serve as Housing Authority.

Town Clerk Regina Rosy stated a petition had been received with 25 signatures requesting that the Town of Aberdeen Board of Commissioners exercise the powers,

duties and responsibilities of a housing authority to remove unsanitary and unsafe housing and to provide more safe, sanitary and affordable housing to the citizens of Aberdeen and the surrounding areas. Town Clerk Regina Rosy stated this item would be held for Public Hearing and New Business at the Board Meeting on October 12, 2009. She stated it was important for the Board to serve as the Housing Authority for the CDBG Bethune Street project. Agenda Item as Public Hearing and New Business.

3. Application for Rezoning RZ#09-03 submitted by Habitat for Humanity.

Planning Director Liles stated the two options are to schedule this item for Public Hearing for October 12, 2009 or summarily dismiss this item. Planning Director Liles stated if the item was going to public hearing she could wait and do the presentation at the public hearing. Otherwise, she stated she would like to do the presentation tonight. Planning Director Liles stated Habitat for Humanity has requested rezoning of approximately 12.83 acres that is located on the north side of Midway Road and south of Bronwyn Street from R-20 Residential to R-10 Residential. Planning Director Liles stated the Planning Board found the rezoning to be consistent with the 2030 Land Development Plan and unanimously recommended approval to the Board of Commissioners. Elizabeth Cox, Executive Director for Habitat for Humanity, explained the purpose of the project. Maurice Holland stated the proposed area for development is in bad shape and this development from Habitat for Humanity could greatly improve the area. Mayor Pro-tem Farrell suggested rezoning the parcel of land to R-15 as a compromise rather than downgrading the zoning from R-20 to R-10. Mayor Pro-tem Farrell stated R-15 zoning would require 15,000 square feet size lots and 1,200 square feet homes. Elizabeth Cox felt R-15 zoning would still allow for the type of development Habitat wanted to do, it would just not allow for as many houses. Elizabeth Cox stated the plans would have to be redrawn to meet the R-15 zoning.

Planning Director Liles stated this item would have to go back to the Planning Board as the zoning would be different than the R-10 previously recommended by the Planning Board. Planning Director Liles stated the Board could hold this item for Public Hearing on November 9, 2009, and then could hold a Special Called Meeting to consider this item for adoption.

Maurice Holland stated he would like to speak at the next Board meeting and formally thank the Board for their work on the annexation of the Midway Community. Maurice Holland stated everyone in the Midway Community is very happy about the annexation.

4. Zoning Code Text Amendment ZA#09-02 regarding dog kennels.

Planning Director Liles stated the I-H District principal use is for heavy industries that, by their nature, may create some nuisance and which are not properly associated with or compatible with residential and commercial establishment. Planning Director Liles stated kennels have the potential to create noise. She stated staff recommends that kennels be added as a permitted use in the I-H District. Planning Director Liles

stated staff recommends that the Planning Board and Board of Commissioners consider this item and that the Board of Commissioners schedule this item for Public Hearing and New Business for October 12, 2009.

Planning Director Liles gave additional information about this project and stated that the text amendment would support a potential economic development project. She stated K2 Solutions plan to bring dogs to this location and train them to sniff out bombs. She stated there would be detonations of bombs on the property, but that staff had been informed the noise would be no louder than that of a stump being blown up.

Commissioner Wright stated he doesn't see a problem with approving this item as a conditional use – he doesn't see an issue with the noise. Commissioner Shannon was concerned with the smell from 119 dogs on the property. Mayor Mofield advised Planning Director Liles to let the applicant know the Board has concerns and wants to think through this issue some more before making a decision. Mayor Mofield asked for this item to be added as Informal Discussion for the Board Meeting on October 12, 2009. Agenda Item as Informal Discussion.

5. Discussion on Lighthouse Trace Setback Complaint.

Planning Director Liles stated Attorney Jim McNeill, who is representing The Elks of Southern Pines, approached staff regarding setbacks between Lighthouse Trace and the golf course. Planning Director Liles stated Lighthouse Trace is a multifamily project that was redeveloped as a Planned Development. She stated Planned Developments require perimeter buffers equal to the regulations of the district. She stated in this particular case, it is the R-6 zoning district with a perimeter rear yard of twenty-five feet. She stated other bulk regulations such as minimum lot size may be amended subject to Board approval, but the perimeter buffer is a requirement.

Planning Director Liles stated a Conditional Use Permit for this project was amended and issued on January 31, 2006. A site plan was submitted with the project depicting building layout but there is not a narrative in the file requesting any amendment of bulk requirements. The staff report indicated that all site plan requirements were met with the exception of stormwater management which was a condition of approval. However, upon examination of the site plan, building elevations and profiles, the units could not fit onto the property and meet the R-6 setbacks including the perimeter buffer of twenty-five feet. Small decks were added to the structures which further abbreviated the setback, in some cases to as little as 7.8 feet.

The Elks Club feels that the Town did not follow its own regulations and that the Town should be obligated to install a net or correct the setback violations. Planning Director Liles stated several units are in close proximity to the #4 Fairway. Planning Director Liles drew a diagram to show golf balls are typically hit away from the townhomes towards the green, but a ball could occasionally be hit towards several of the units. Planning Director Liles felt the likelihood is low that someone would be hit

from a golf ball. Commissioner Wright felt it would probably be more likely that a golf ball would hit a glass window or door and break it in a townhome.

Planning Director Liles stated The Elks requested that the Town step up, admit wrong doing, and provide a net in between the golf course and the structures. The attorney for The Elks thought it may be better if the Town assumed liability for this issue and then The Elks would drop all claims against use of the land. Manager Zell sent this information to the Town's property and liability insurance carrier for some guidance on potential liability. The Town Attorney stands ready to proceed at the Board's direction. Commissioner Wright suggested we tell Attorney Jim McNeill the Town of Aberdeen is not willing to accept liability for this issue. Mayor Mofield directed Planning Director Liles to inform The Elks we are not accepting liability for this issue, but for them to feel free to bring back some other solutions to this problem.

6. Discussion on Unified Development Ordinance: Table of Permissible Uses.

Planning Director Liles stated staff has several items for the Unified Development Ordinance that requires input from the Board of Commissioners at this time. Planning Director Liles stated the Brough Law Firm needs input from the Board regarding the yellow highlighted items prior to finalizing this item for inclusion in the UDO. She stated items with question marks need a determination as to whether final action should be a staff-issued zoning permit, a special use permit by the Planning Board, or a conditional use permit by the Board of Commissioners. The Board made the following suggestions:

1. Rename the R-20A district to R-30 and provide for 30,000 square feet lots.
2. Adjust the names of the residential districts to reflect either minimum lot sizes or minimum structures sizes – not a mixture of both such as the R-16 designation.
3. Keep the R-15 and R-16 districts as transitional districts.
4. Remove manufactured homes completely from the RA, R-10MH and R-6 MH districts.
5. Convert R-10MH and R-6MH to R-10 and R-6.
6. All high volume traffic generators in all business districts should all be conditional use permits.
7. ABC stores may be approved with a zoning permit.
8. Specialty high volume retail should be a conditional use permit.
9. Bulk petroleum stations should be conditional use permits.

Due to time constraints, this discussion was to be continued. The Board agreed to delay the public hearing for the UDO. The Board also agreed a special called meeting needed to be held to further discuss this item.

7. RLUAC presentation by Jim Dougherty.

Town Clerk Regina Rosy stated Jim Dougherty would be at the Board Meeting on October 12, 2009 to do a RLUAC presentation. Agenda Item as Informal Discussion.

8. 2009 Fall Litter Sweep Proclamation.

Parks & Recreation Director Leigh Baggs stated on Saturday, October 3rd the community would be cleaning up the downtown area and sides of the streets. She invited the Board members to help participate in this endeavor to clean up litter. Town Clerk Regina Rosy stated approval was needed for the 2009 Fall Litter Sweep Proclamation at this point.

A motion was made by Commissioner Shannon, seconded by Commissioner Wright to approve the 2009 Fall Litter Sweep Proclamation. Motion unanimously carried.

9. Aberdeen Red Ribbon Week 2009 Proclamation.

Parks & Recreation Director Leigh Baggs stated she requests that the Board proclaim October 23-31, 2009 as Red Ribbon Week. She stated if the Board approves this item, then the Town of Aberdeen will be the first municipality in Moore County to approve it. A motion was made by Commissioner Thomas, seconded by Commissioner Wright to approve the Aberdeen Red Ribbon Week 2009 Proclamation. Motion unanimously carried. Mayor Mofield requested that this item be added to the agenda for October 12, 2009 to be read to the public. Agenda Item as Informal Discussion.

10. Proposed FY 2009-2010 Operating Budget for Ray's Mill Pond.

Parks & Recreation Director Leigh Baggs presented a proposed budget for the Ray's Mill Pond property to complete some needed maintenance. The Board requested Parks & Recreation Director Baggs to get estimates to repair the roof on the large house. Parks & Recreation Director Baggs stated repairs need to be made to the dam and also drain and dredge the lake. Parks & Recreation Director Baggs mentioned the idea of a man who works with Habitat for Humanity and his wife living in the caretaker home and possibly completing renovations to the property in exchange for living in the home. Elizabeth Cox, Executive Director with Habitat for Humanity, stated the man Leigh was speaking of would be an excellent candidate for the job because he is a very skilled builder, as his wife was also.

Mayor Pro-tem Farrell questioned the bottom line on the support material about the PARTF Grant. Parks & Recreation Director Baggs stated items she is seeking PARTF Grant funds for would possibly be land acquisition, trail, picnic shelter, picnic tables, pier, boat launch, and bird watch platforms. Parks & Recreation Director Baggs stated in order to qualify for PARTF Grant funds, three new amenities would have to be added to the location. Commissioner Wright asked Parks & Recreation Director Baggs to look into the Golden Leaf Grant. Parks & Recreation Director Baggs stated she would have to see if the Town qualifies for the Golden Leaf Grant. Commissioner Wright was in favor of lumping everything together and paying for it out of fund balance right now rather than waiting and letting conditions get worse. Mayor Pro-tem Farrell was concerned of

taking everything out of fund balance – he suggested the Board wait and get the report from the auditors before proceeding.

11. Request to remove items listed in the Capital Assets.

Town Clerk Regina Rosy stated Sharon Simpson went through the list of Capital Assets and there are several items listed that have not been seen in many years. Sharon Simpson is requesting the Board of Commissioners to delete these items from the Capital Assets. Items listed include an antique desk, Latham time clock, camera, breathalyzer, alcoholic breath tool, trooper radars, copier, pagers, and Okidata printer. Mayor Mofield felt the antique desk may be located at the Depot. She requested that staff look over at the Depot and be sure the antique desk is not located over there, before deleting this item from the Capital Assets. Town Clerk Regina Rosy stated this item would be scheduled for New Business at the Board Meeting on October 12, 2009. Agenda Item as New Business.

12. Street Improvements Bid.

Town Clerk Regina Rosy stated bids were opened for the Streets Improvements for 2009-2010 on Tuesday, September 29, 2009. Town Clerk Regina Rosy stated the low bid came in at \$154,406.40 and was made by Riley Paving. Town Clerk Regina Rosy stated Riley Paving was ready to begin the following morning if this item were approved by the Board at the Work Session.

A motion was made by Mayor Pro-tem Farrell, seconded by Commissioner Thomas to approve the Street Improvements Bid of \$154,406.40 received from Riley Paving. Motion unanimously carried.

13. Debt Setoff Clearinghouse Agreement.

Town Clerk Regina Rosy stated Finance Technician Debbie Monroe has been researching the Debt Setoff Program and feels it is a great way for the Town to recoup some of the money it is owed for things such as water bills, parking tickets, etc. Town Clerk Regina Rosy stated there is no fee for the Town to participate in this program. She stated it would be an extra revenue source for uncollected debts. Town Clerk Regina Rosy stated the Debt Setoff Clearinghouse Agreement is an agreement between the Town of Aberdeen and the NC League of Municipalities and the NC Association of County Commissioners which will be acting as the NC Local Government Debt Setoff Clearinghouse. The agreement basically spells out the terms of the agreement and the responsibilities of each party. Town Clerk Regina Rosy stated this item would be scheduled for New Business at the Board Meeting on October 12, 2009. Agenda Item as New Business.

14. Resolution for Debt Setoff Program.

Town Clerk Regina Rosy stated the Resolution for the Debt Setoff Program would need to be approved in order to begin using the program. Town Clerk Regina Rosy stated Finance Technician Debbie Monroe is requesting the Board to authorize her as the person to hold hearings and conduct necessary proceedings. The Board requested that a job title be added to administer this program, not a particular person's name. Mayor Mofield also felt there should be an alternate position in charge of this program, in the case of Debbie Monroe's absence. Town Clerk Regina Rosy stated this item would be scheduled for New Business at the Board Meeting on October 12, 2009. Agenda Item as New Business.

15. Grand Opening & Ribbon Cutting for Southern Floorcovering & Interiors.

Town Clerk Regina Rosy stated Southern Floorcovering & Interiors, Inc. would be having their Grand Opening & Ribbon Cutting on Friday, October 2nd at 11:30 a.m. Town Clerk Regina Rosy stated Talbert's Barbecue would be catering the event and she needed a headcount of who may be able to attend. Mayor Pro-tem Farrell and Alan Parker stated they would attend the Ribbon Cutting.

16. 360 Evaluations.

Town Clerk Regina Rosy stated as part of a development plan for the management staff, all department heads are participating in 360 evaluations. Town Clerk Regina Rosy stated each department would be evaluated by their boss, peers, and direct reports. She stated each Board member should have received an e-mail invitation from the Center for Creative Leadership to evaluate Town Manager Bill Zell. Town Clerk Regina Rosy stated the answers are completely anonymous, therefore honest feedback is encouraged. Town Clerk Regina Rosy stated once results are received, Life Coach Kathy Torrey will be conducting a one-on-one session with each department head to discuss the results and also to help create a development plan.

17. Adjournment

With no further items for discussion or review, a motion was made by Commissioner Shannon, seconded by Mayor Pro-tem Farrell, to adjourn the Work Session. Motion unanimously carried.

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on October 2, 2009

Elizabeth B. Mofield, Mayor

Minutes were adopted
October 12, 2009